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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/808,773 | 03/25/2004 | Steven W. Vogts | 08008.00624 | 5912 |
| 24382 | 7590 | 07/18/2006 | EXAMINER | |
| JOSEPH S. HEINO, ESQ. DAVIS & KUELTHAU, S.C. 111 E. KILBOURN SUITE 1400 MILWAUKEE, WI 53202-6613 | | | PARSLEY, DAVID J | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3643 | |

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/808,773 | VOGTS, STEVEN W. | |
| | Examiner | Art Unit | |
| | David J. Parsley | 3643 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5-15-06 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities: one of the terms "an" in line 2 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3, 5, 9, 13, 15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,830,399 to Davis.

Referring to claim 1, Davis discloses a fishing rod handle which comprises, a handle member – at 10', the handle member having an external surface surrounding a hollow internal area – see the interior of item 10' in figure 4, a fishing rod blank – at 62,66,92, having a cross-sectional dimension that is smaller than that of the hollow interior area of the handle member – see figure 4, and having a first portion – at 64,66,92,94, within the hollow internal area of the handle member and a second portion – at 62, protruding from the handle – see figure 4, and a plurality of vibration disks – at 88, the disks being attached to the first portion of the fishing rod blank at intervals – see via item 84 in figure 4, such that a hollow segment is formed between adjacent vibration disks – see figure 4, and a plurality of hollow segments are formed within the hollow internal area of the handle member – see the areas between items 88 in figure 4, wherein vibrations emanating from the rod blank are transferred to through the vibration disks – see figure 4 where the rod blank is connected to the disks and therefore any vibrations in the rod blank would be transferred to the disks.

Referring to claim 2, Davis discloses the internal hollow of the handle member comprises a linear aperture – proximate 64 or proximate 76, defined within the handle member – see figure 4.

Referring to claim 3, Davis discloses the linear aperture has an internal cylindrical wall – see proximate 64 or 76 in figure 4, and the external surface of the handle member is parallel linear with that cylindrical wall – see at 10 and 64 and 76 in figure 4.

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Referring to claim 5, Davis discloses each vibration disk – at 88, comprises a flat circular disk member – at 88, having a central aperture – see figure 5, for receiving a portion of the rod blank – at 92 therewithin – see figures 4-5.

Referring to claim 9, Davis discloses the rod blank, the plurality of disks – see at 100,102, and the handle member is each constructed of a vibration conductive material – see for example figure 4.

Referring to claim 13, Davis discloses a vibration amplifying fishing rod handle which comprises, a longitudinally extending cylindrical handle member – at 10', the handle member defined by an external surface surrounding a hollow internal area – see the interior of item 10' in figure 4, and an end – at 28,74,76, a longitudinally extending fishing rod blank – at 62,66,92, having a diameter that is substantially smaller than that of the hollow interior area of the handle member – see figure 4, and having a first portion – at 64,66,92,94, within the hollow internal area of the handle member and a second portion – at 62, protruding from the handle – see figure 4, and a plurality of vibration members – at 88, the vibration members being attached to the first portion of the fishing rod blank at intervals – see via item 84 in figure 4, such that the rod blank is fixed at the center of the handle member by the vibration members – see figure 4, such that a hollow segment is formed between adjacent vibration disks – see figure 4, and a plurality of hollow segments are formed within the hollow internal area of the handle member – see the areas between items 88 in figure 4, wherein vibrations emanating from the rod blank are transferred to through the vibration disks to the external surface of the handle member – see figure 4 where the rod blank is connected to the disks and the disks are connected to the external surface of the handle and therefore any vibrations in the rod blank would be transferred to the disks.

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Referring to claim 15, Davis discloses each vibration member – at 88, comprises a flat circular disk member – at 88, having a central aperture – see figure 5, for receiving a portion of the rod blank – at 92 therewithin – see figures 4-5.

Referring to claim 19, Davis discloses the rod blank, the plurality of disks – see at 100,102, and the handle member is each constructed of a vibration conductive material – see for example figure 4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 1 above, and further in view of U.S. Patent No. 4,467,548 to Tabor. Davis does not disclose the handle member hollow has a first open end and a second closed end, and including a nose cone, the nose cone having an axially disposed aperture for receiving a portion of the rod blank therewithin and the nose cone being insertable within the first open end of the handle member hollow. Tabor does disclose the handle member hollow – at 2-22, has a first open end – proximate 1, and a second closed end – at 12-13, and including a nose cone – at 2, the nose cone having an axially disposed aperture for receiving a portion of the rod blank – at 1 – see figure 1, therewithin and the nose cone being insertable within the first open end of the handle member

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hollow – see for example figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis and add the handle member with nose cone of Tabor, so as to securely removably hold the rod blank to the handle member.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 5 above.

Referring to claim 6, Davis discloses each vibration disk further includes a prong – see at L in figure 1, extending outwardly from the flat disk member – see figure 1. Davis does not disclose a plurality of prongs – at L on the disk member, however the disk members – at 88, are of a size sufficient to hold a plurality of prongs – at L. Therefore, it would have been obvious to one of ordinary skill in the art to take the device Davis and add a plurality of prongs so as to allow for the device to store multiple lures.

Referring to claim 7, Davis discloses each vibration disk has a first disk face – at the front or rear face of item 88, and each of the plurality of outwardly extending prongs – at L, is bent toward the first disk face – see the curved portion of L in figure 1.

Referring to claim 8, Davis discloses the vibration disks that are attached to the rod blank are attached such that the prongs of each disk – at L are bent in the same direction – see figure 1.

Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claims 9 or 19 above, and further in view of U.S. Patent No. 4,631,853 to Brackett et al. Davis does not disclose the rod blank is constructed of a graphite material. Brackett et al. does disclose the rod blank – at 2, is constructed of a graphite material – see for example column 4 lines 19-30. Therefore it would have been obvious to one of ordinary skill in the art to take the

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device of Davis and add the rod blank made of a graphite material, so as to allow for the fishing rod to be both flexible and durable for repeated use.

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claims 9 and 19 above, and further in view of U.S. Patent No. 2,018,923 to Potter.

Referring to claims 11 and 21, Davis does not disclose the handle is constructed of a metal material. Potter does disclose the handle – at 5, is constructed of a metal material – see for example page 1 column 1 lines 31-35. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis and add the handle constructed of a metal material of Potter, so as to allow for the handle to be stronger and more durable for repeated use.

Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claims 9 or 19 above. Davis does not disclose the vibration disks/members are made of metal. However, it would have been obvious to one of ordinary skill in the art to take the device of Davis and add portions of the vibration disks made of metal, so as to allow for the disks to be made stronger and more durable for repeated use.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 13 above, and further in view of U.S. Patent No. 4,467,548 to Tabor. Davis does not disclose the handle member hollow has a first open end and a second closed end, and including a nose cone, the nose cone having an axially disposed aperture for receiving a portion of the rod blank therewithin and the nose cone being insertable within the first open end of the handle member hollow. Tabor does disclose the handle member hollow – at 2-22, has a first open end – proximate 1, and a second closed end – at 12-13, and including a nose cone – at 2, the nose cone having an axially disposed aperture for receiving a portion of the rod blank – at 1 – see figure 1,

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therewithin and the nose cone being insertable within the first open end of the handle member hollow – see for example figure 2. Therefore it would have been obvious to one of ordinary skill in the art to take the device of Davis and add the handle member with nose cone of Tabor, so as to securely removably hold the rod blank to the handle member.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis as applied to claim 15 above.

Referring to claim 16, Davis discloses each vibration disk further includes a prong – see at L in figure 1, extending outwardly from the flat disk member – see figure 1. Davis does not disclose a plurality of prongs – at L on the disk member, however the disk members – at 88, are of a size sufficient to hold a plurality of prongs – at L. Therefore, it would have been obvious to one of ordinary skill in the art to take the device Davis and add a plurality of prongs so as to allow for the device to store multiple lures.

Referring to claim 17, Davis discloses each vibration disk has a first disk face – at the front or rear face of item 88, and each of the plurality of outwardly extending prongs – at L, is bent toward the first disk face – see the curved portion of L in figure 1.

Referring to claim 18, Davis discloses the vibration disks that are attached to the rod blank are attached such that the prongs of each disk – at L are bent in the same direction – see figure 1.

Response to Arguments

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5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890.

The examiner can normally be reached on Monday-Friday from 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


David Parsley
Patent Examiner
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